



RTO Code: 2293
CONFLICT OF INTEREST
POLICY & PROCEDURE

CONFLICT OF INTEREST

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DOCUMENTS : Conflict of Interest Register
Conflict of Interest Disclosure Form

REFERENCES : Complaint Policy
Appeal Policy
Fit & Proper Persons Policy
Standards for Registered Training Organisations (RTOs) 2015
Cwlth.
National Vocational Education and Training Regulator Act 2011
GTS Privacy Policy
The Motor Trade Association of SA Inc Privacy Statement
Commonwealth of Australia Privacy Act 1988 & all principles,
regulations and updates as may occur from time to time

AUTHORISED :

CHIEF EXECUTIVE OFFICER

DATE :

12/5/2020

CONTENT

PURPOSE.....	3
Standards for Registered Training Organisations 2015	3
Standard 7	3
POLICY	3
SCOPE	3
DEFINITION.....	4
PROCEDURE	4
COMPLAINT & APPEAL.....	5
RESPONSIBILITIES.....	5
Chief Executive Officer.....	5
RTO Manager.....	5
Staff & Stakeholders.....	5

PURPOSE

Motor Trade Association Group Training Scheme Registered Training Organisation (RTO) engages persons as employees who are solely employed by MTA or as contractors who may also conduct work for other persons and entities.

MTA engages consultants and some contractors who will be engaged by other RTOs and businesses.

The purpose of this document is to clearly identify MTA's requirement that all employees or contractors disclose in a timely manner any situation which is or may lead to a conflict of interest with MTA.

Standards for Registered Training Organisations 2015

Made under the National Vocational Education and Training Regulator Act 2011:

Standard 7 - The RTO has effective governance and administration arrangements in place.

Clause 7.1

The RTO ensures that its executive officers or high managerial agent:

- are vested with sufficient authority to ensure the RTO complies with the RTO Standards at all times, and
- meet each of the relevant criteria specified in the Fit and Proper Person Requirements in Schedule 3.

Context

The RTO's governance and high managerial agents operate in an open and transparent manner.

POLICY

It is the policy of MTA to encourage our employees/contractors to avail themselves of all opportunities for professional development.

MTA requires its employees/contractors to advise the CEO of any situation which is or may lead to a conflict of interest before the employee engages in that situation.

SCOPE

This policy covers all individuals and entities:

- employed by MTA at any full-time equivalency status;

- contracted by MTA in a contractor capacity;
- consultants engaged by MTA;
- service providers engaged by MTA;

and in particular those persons who are:

- members of the Board of Management;
- members of Learning & Assessment Committee;
- in a position to influence the decision making process of MTA.

DEFINITION

A conflict of interest is a situation where an individual's private or extra work/employment interests have the potential to conflict or appear to conflict with the interests of MTA.

Conflicts of interest may arise in situations where employees/contractors are considering working concurrently with another organisation while in the employment/contract of MTA, or where employees/contractors are considering building a private practice, or joining management committees or directorships of other organisations, government advisory bodies and professional institutions.

PROCEDURE

All persons employed, contracted and/or engaged by MTA should consider their activities for potential conflict of interest.

If an employee/contractor identifies the potential for a conflict of interest they are to advise the RTO Manager in writing by completing the Conflict Of Interest Disclosure Form immediately and before taking up the offer.

The RTO Manager will within 24 hours of receiving such an advice discuss the situation with the employee/contractor and give a decision as to MTA's position in this regard.

An employee found to be engaged in and to have not declared an activity that they could reasonably have considered as and/or that is determined by the RTO Manager to be in conflict with the interests of MTA will be subject to disciplinary action.

A contractor or consultant found to be engaged in and to have not declared an activity that they could reasonably identify as and that is determined by the RTO Manager to be in conflict with the interests of MTA will be subject to termination of contract.



RTO Code: 2293 CONFLICT OF INTEREST POLICY & PROCEDURE

If an individual is unsure if an activity is potentially in conflict with MTA's interests they should speak with the RTO Manager.

COMPLAINT & APPEAL

If the employee is not satisfied with the RTO Manager's decision they are entitled to appeal as follows:

- in the first instance to the RTO Manager for reconsideration;
- or
- commence the appeal process as documented in Appeal Process Policy.

RESPONSIBILITIES

Chief Executive Officer

It is the responsibility of the CEO to make fair and reasonable determinations in regards to potential conflicts of interests.

RTO Manager

It is the responsibility of the RTO Manager to make fair and reasonable determinations in regards to potential conflicts of interests.

Where a serious conflict of interest has arisen to collaborate with the CEO in making a final decision.

Where the RTO Manager identifies a potential or real conflict of interest for themselves report to the CEO.

Staff & Stakeholders

It is the responsibility of all MTA employees/contractors to investigate extra curricula activities fully and to bring any potential conflict of interest situation to the attention of the RTO Manager.

If an employee/contractor is unsure they should speak with the RTO Manager.

Note a breach of this policy may result in disciplinary action to the extent of dismissal or termination of contract.